

**REMARKS**

Claims 1-22 are pending in the application, with claims 1 and 7-21 withdrawn from consideration.

Applicant thanks the Examiner for the allowance of claims 2-4.

Applicant also thanks the Examiner for conducting the January 16, 2008 telephone interview. The substance of the interview is reflected in the remarks below.

Claims 5, 6, and 22 remain rejected under 35 USC 103(a) as being unpatentable over Tauchi (U.S. Patent No. 5,966,939) in view of Hayes (U.S. Patent No. 6,077,380).

In the last Response Applicant amended independent claim 5 to recite “an orientation of a layer arrangement of the thermoelectric material and the solder of each of the at least two substrates is alternately spaced between the thermoelectric material of the other of the at least two substrates.” Applicant asserted that as illustrated in Fig. 7, the orientation of the layer arrangement of the first bismuth layer 11/first patterned thermoelectric 14 is alternately spaced with that of the second bismuth layer 21/second patterned thermoelectric 24.

The Examiner responded on page 2 of the Office Action by arguing that “the limitation continues to be drawn to a ‘product by process’ subject matter.”

During the telephone interview the undersigned further explained Applicant’s position. The Examiner then stated that he agrees with Applicant’s position. The Examiner requested the undersigned to resubmit the argument in a Response, and the Examiner said he would then withdraw the prior art rejection.

With no issues remaining, Applicant believes the pending application to be in condition for allowance.

Application No. 10/789,423  
Amendment dated January 17, 2008  
After Final Office Action of November 29, 2007

Docket No.: M0659.0002

In the event a fee is required or if any additional fee during the prosecution of this application is not paid, the Patent Office is authorized to charge the underpayment to Deposit Account No. 50-2215.

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Respectfully submitted,

By 

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